

TRINIDAD AND TOBAGO 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Trinidad and Tobago is a parliamentary democracy governed by a prime minister and a bicameral legislature. The island of Tobago's House of Assembly has some administrative autonomy over local matters. In May 2010 elections, which observers considered generally free and fair, the People's Partnership coalition led by Kamla Persad-Bissessar of the United National Congress defeated PM Patrick Manning's People's National Movement (PNM) government. Authorities maintained effective control over the security forces.

The most serious human rights problems were killings by police during apprehension and the mistreatment of suspects, detainees, and prisoners.

Other human rights problems involved inmate illnesses and injuries due to poor prison conditions; a slow judicial system; high-profile cases of alleged bribery and corruption; violence and discrimination against women; inadequate services for vulnerable populations such as children and persons with disabilities; and laws that discriminate against lesbian, gay, bisexual, and transgender (LGBT) persons.

The government took some steps to punish security force members and other officials charged with killings or other abuse, but there continued to be a perception of impunity based on the open-ended nature of many investigations and the generally slow pace of criminal judicial proceedings.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings, but there were several reports that the government or its agents committed arbitrary or unlawful killings. According to official figures, police shot and killed 42 persons through November, compared with 25 in all of 2013. The police acknowledged the 42 shooting deaths, but there were consistent and significant discrepancies between the official reporting of shooting incidents and the claims made by community witnesses.

On April 11, a Rapid Response Unit officer shot and killed 21-year-old Naim Dean after police claimed he attempted to flee the scene following a search. An autopsy

confirmed that Dean died from a single gunshot wound to the back. The independent Police Complaints Authority (PCA) immediately opened an investigation into the shooting and on June 10, delivered its findings to the Office of the Director of Public Prosecutions (DPP) for consideration. The case remained pending as of November.

On June 20, Inter Agency Task Force officers shot and killed 19-year-old Kishawn Daniel. The police reported that while on foot patrol along Desperlie Crescent, Laventille, three men opened fire in response to the officers' demands for body searches. The police shot at the three men, killing Daniel. Residents disputed the report that the officers killed Daniel in self-defense.

As of November the case against the six police officers charged with the shooting death of Christopher Greaves in 2012 remained pending, although on August 15, the PCA obtained a copy of the Trinidad and Tobago Police Service investigation files for audit.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and the law prohibit such practices, there were credible reports that police officers and prison guards mistreated individuals under arrest or in detention. From 2005 through 2013, the government paid or was found liable to pay more than \$10 million Trinidad and Tobago dollars (TTD) (\$1.59 million) in compensation to prisoners for claims of excessive use of force by prison officers.

In July, five Princes Town police officers faced charges following allegations that they set fire to 18-year-old Jamerson John while in custody. John claimed that officers forced him to strip down to his underwear, doused him with methylated spirits, and set him alight after he refused to confess to a crime near his Moruga home. Following an investigation by the Professional Standards Bureau, authorities charged the police officers with misbehavior in public office, and the matter was expected to be heard before the court in January 2015.

Media groups claimed unidentified assailants targeted and killed Lance Corporal Kayode Thomas June 29 because of his status as a soldier. As a result National

Security Minister Gary Griffith deployed additional Defense Force officers to high crime areas to conduct joint patrols with police. Residents in these areas alleged that police and soldiers harassed, intimidated, and physically abused them during this period of heightened security-personnel presence.

Prison and Detention Center Conditions

Conditions in some of the prison system's nine facilities continued to be harsh but not life threatening.

Physical Conditions: The country's prisons operated under government auspices. They had a design capacity for 4,886 inmates and held an average daily population of 3,481. Of those, 1,428 were convicted inmates, and 2,053 were in pretrial or other status. Pretrial detainees often waited six to 10 years before their cases went to trial. Some prisons suffered from extreme overcrowding, while others were not at full capacity. The Maximum Security Prison, with a holding capacity of 2,453, was only 45 percent operational.

Observers often described the Port of Spain Prison and the Golden Grove Remand Yard as having particularly poor conditions and severe overcrowding, with as many as 10 prisoners kept in 10-by-10-foot cells. The Port of Spain Prison, designed to hold 250 inmates, held 582, and the Golden Grove Remand Yard, designed to hold 655 inmates, held 1,077. Inmates at both prisons had sufficient access to medical services, but caregivers often lacked sufficient medical supplies. Medical professionals visited the prison two or three times a week.

The Port of Spain Prison and the Golden Grove Remand Yard held approximately 48 percent of the prison population, while other prison facilities remained below capacity. Neither of these facilities had adequate lighting, ventilation, or sanitation facilities. Prisoners at all facilities had access to potable water and adequate amounts of food. Authorities held pretrial detainees separately from convicted prisoners.

Although conditions at the women's prison were better than those in the Port of Spain and remand prisons, the women's facility occasionally became overcrowded, since it held both women on remand and those serving prison sentences. The daily average female prison population was 90 in facilities with maximum capacity of 158.

Since there is no female youth facility, authorities placed some underage female prisoners in the custody of a Roman Catholic facility and others in a segregated wing of the women's prison.

Authorities held a daily average of 145 male juveniles separately from adults at the Youth Training Center and held fewer than 23 female juveniles in custody at the women's prison. Observers raised concerns throughout the year that the women's prison also held young girls who had not committed any offense but who were in state custody.

Authorities charged a number of prison officers for offenses including larceny, drug trafficking, possession of marijuana, and smuggling of contraband to prisoners.

The government also operated the Immigration Detention Center, where the majority of detainees were irregular immigrants who could not immediately afford the cost of travel back to their home country. The average length of detention was one week to two months, depending on the speed with which the government was able to secure public funding for deportation. In some cases detention lasted more than one year. The center had an intended capacity of 150, with men and women held in separate facilities. Observers reported that the men's section was overcrowded and the women's section was below capacity. Detainees had access to potable water, food, medical care, and sanitation facilities, as well as regular outdoor access.

Prisoner abuse and medical neglect was a problem. Since 2012 up to three prisoners died as a result of physical abuse or neglect. Physical abuse that did not result in death was more common. Inmates brought at least 10 court cases against prison officers for abuse in 2013, and dozens of other earlier cases remained pending.

Administration: Prisoner recordkeeping was adequate. Authorities made use of alternative sentencing for some nonviolent offenders and worked to refine alternative sentencing options, including the Drug Treatment Court (DTC). The first group of five participants in the DTC program graduated in July. The Ministry of Justice conducted a review and evaluation of all major inmate rehabilitation programs throughout the prison service.

Prisoners and detainees had reasonable access to visitors and could observe their religious practices. Prison authorities permitted prisoners and detainees to submit

complaints to judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. Prisoners could also contact the Office of the Ombudsman, which has the authority to investigate complaints related to the functions and duties of most government departments. Authorities investigated and monitored prison and detention center conditions but did not document the results in a publicly accessible manner.

Independent Monitoring: The government permitted regular and open prison visits by independent human rights observers upon approval of the Ministry of Justice. These observers enjoyed a reasonable degree of independence.

Improvements: During the year the Prison Service focused on restorative justice and inmate rehabilitation, increased powers for prison inspectors, improved prison infrastructure, and better working conditions for officers. Specifically, the Prison Service increased support for reintegration programs such as Multi-Sector Skills Training and Helping You Prepare for Employment. Infrastructure improvements included the addition of toilets into cells, expansion of telephone systems for prisoner use, and an improvement in the quality of food.

d. Arbitrary Arrest or Detention

The constitution and the law prohibit arbitrary arrest and detention. Reports of abuses by police remained under investigation at year's end.

The Anti-Gang Act bans membership in criminal gangs and gang-related activities as defined within the statute and permits authorities to hold suspects detained under the law without bail for up to 120 days pending the filing of specific charges. Critics charged the law facilitates the arbitrary arrest and detention of innocent citizens. Authorities continued to arrest many individuals pursuant to the antigang law but subsequently released most arrestees.

Lawsuits filed in 2012 by some of the approximately 450 suspects detained during the 2011 state of emergency remained pending before the courts. During the year the courts made several awards in other cases from prior years brought on grounds of wrongful arrest and imprisonment.

Role of the Police and Security Apparatus

The Ministry of National Security oversees the police service, immigration division, and defense force. The police service maintains internal security, while

the defense force is responsible for external security but also has certain domestic security responsibilities. Members of the defense force often joined police officers in patrolling high crime neighborhoods. The defense force members did not have arrest authority.

The independent Police Service Commission, in consultation with the prime minister, appoints a commissioner of police to oversee the police force, although since the resignation of the former commissioner in 2012, there had not been a permanent commissioner assigned. The commission also makes hiring and firing decisions in the police service, and the ministry typically had little direct influence over changes in senior positions. Municipal police under the jurisdiction of 14 regional administrative bodies supplement the national police force. Public confidence in the police was very low because of high crime and perceived corruption.

The PCA is a civilian oversight body that investigates complaints about the conduct of police officers, including fatal police shootings; however, it received insufficient funding and had limited investigative authority. The PCA is free by law from the direction or control of any other person in the performance of its functions. Observers complained the government underfunded the unit, citing low salaries as the reason some key positions remained unfilled, although in November the president appointed David West as the new director of the PCA. The PCA had 16 investigators, and from October 1, 2013, through September 30, 2014, the unit received 491 complaints (down from 727 during the previous reporting period). Based on the PCA's investigations, the Police Service Commission has the power to suspend or dismiss police officers, while the Department of Public Prosecution has the power to charge officers. The Police Professional Standards Unit and the Police Complaints Division, both nonindependent bodies within the police service, also investigate complaints against the police.

Arrest Procedures and Treatment of Detainees

A police officer may arrest a person based on a warrant issued or authorized by a magistrate, or without a warrant if the officer witnesses the commission of an alleged offense. Detainees, as well as those summoned to appear before a magistrate, must appear in court within 48 hours. In cases of more serious offenses, the magistrate either commits the accused to prison on remand or allows the accused to post bail, pending a preliminary inquiry. Authorities granted detainees immediate access to a lawyer and to family members.

Ordinarily, bail was available for minor charges. Persons charged with murder, treason, piracy, kidnapping for ransom, and hijacking, as well as persons convicted twice of violent crimes, are ineligible for bail for a period of up to 120 days following the charge; however, a judge may grant bail to such persons under exceptional circumstances. When authorities denied bail, magistrates advised the accused of their right to an attorney and, with few exceptions, allowed them access to an attorney once they were in custody and prior to interrogation.

On February 14, President Carmona signed into law the Bail Act, which allows judges to deny bail for up to 120 days for repeat offenders with a prior serious offense or violent crime conviction within the past 10 years. This legislation applies to sexual offenses in which the alleged victim is a child, including a sexual offense under the Sexual Offenses Act or the 2012 Children Act, as well as offenses under the 2011 Trafficking in Persons Act.

The minister of national security may authorize preventive detention to preclude actions prejudicial to public safety, public order, or national defense, in which case the minister must state the grounds for the detention.

Arbitrary Arrest: False arrest, although infrequent, occurred. Victims may pursue legal redress and the right to a fair trial through an independent judiciary.

Pretrial Detention: Lengthy pretrial detention resulting from heavy court backlogs and inefficiencies in the judicial system continued to be a problem. Pretrial detainees or remand prisoners represented approximately 50 percent of the prison population. Most persons under indictment waited between six and 10 years for their trial dates in the High Court. Officials cited several reasons for the backlog, including an understaffed and underfunded prosecutorial office, a shortage of defense attorneys for indigent persons, and the burden of the preliminary inquiry process. In addition the law requires anyone charged and detained to appear in person for a hearing before a magistrate's court every 10 days, if only to have the case postponed for an additional 10 days, resulting in further inefficiency.

e. Denial of Fair Public Trial

The constitution and the law provide for an independent judiciary, whose operation the government generally respected. Although the judicial process was generally fair, it was slow due to backlogs and inefficiencies. Prosecutors and judges stated that witness and jury intimidation remained a problem.

Trial Procedures

The constitution and the law provide all citizens with the right to a fair trial, and an independent judiciary generally enforced this right. Magistrates try both minor and more serious offenses, but in the latter cases, the magistrate must conduct a preliminary inquiry. Trials are public, and the High Court uses juries. Defendants have the right to be present, are presumed innocent until proven guilty, and have the right to appeal. Authorities inform them promptly and in detail of all charges. All defendants have the right to consult with an attorney in a timely manner. Authorities provide an attorney at public expense to defendants facing serious criminal charges, and the law requires provision of an attorney to any person accused of murder. Although the courts may appoint attorneys for indigent persons charged with serious crimes, an indigent person may refuse to accept an assigned attorney for cause and may obtain a replacement. Defendants can confront or question adverse witnesses, present witnesses and evidence on their own behalf, and access government-held evidence relevant to their cases. Defendants may not be compelled to testify or confess guilt.

Both civil and criminal appeals may be filed with the Court of Appeal and ultimately with the Privy Council in the United Kingdom.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals or organizations are free to file lawsuits against civil breaches of human rights in both the High Court and petty civil court. The High Court may review the decisions of lower courts, order parties to cease and desist from particular actions, compel parties to take specific actions, and award damages to aggrieved parties. The law authorizes the petty civil court to hear only cases involving damages of up to \$15,000 TTD (\$2,380).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and the law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and the law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and press.

Freedom of Speech: The law prohibits acts that would offend or insult another person or group on the basis of race, origin, or religion or that would incite racial or religious hatred.

Press Freedoms: The independent media were active and expressed a wide variety of views without restriction. During the year several government officials publicly criticized journalists for alleged reporting bias.

Violence and Harassment: One member of the media accused soldiers on patrol of verbally threatening his life while he was covering a story for his newspaper related to the contentious increase in Defense Force officers on joint patrol with police in Laventille.

Censorship or Content Restrictions: At least two smaller media outlets reported the government withheld advertising placements and hence revenue because of their criticism of the government.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 64 percent of citizens used the internet in 2013.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and the law provide for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and various laws provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The government has not passed legislation to implement its obligations under the relevant UN conventions. The government placed asylum seekers in the care of the Living Water Community (LWC), a local Roman Catholic social services agency, while UNHCR reviewed their cases and reached a final resolution. Pending Parliament's approval of implementing legislation, the Ministry of National Security's Immigration Division handled all requests for asylum on a case-by-case basis. A government bureaucratic process took as long as four years to provide authorizations allowing free movement to persons granted refugee status. Even with these authorizations in place, refugees had no rights to work, open a bank account, or obtain a driver's license. Due to these challenges, the LWC continued to look for opportunities to resettle refugees in a foreign country. Through November the LWC managed the resettlement of nine individuals to a third country and provided other services to 76 persons recognized as refugees, 73 adult asylum seekers, and 11 child asylum seekers.

Temporary Protection: The government did not provide temporary protection to persons who might not qualify as refugees. The LWC reported that many persons who filed petitions eventually abandoned their applications and left the country or simply walked away from the LWC because of the lack of guaranteed protection.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and the law provide citizens the ability to change their government through free and fair elections, which they exercised through elections held on the basis of universal suffrage.

Elections and Political Participation

Recent Elections: The Caribbean Community observers found the 2010 national elections to be generally free and fair. During the campaign, however, there were isolated incidents of vandalism and violence, and the then prime minister required all television stations to broadcast an interview without receiving payment. Citizens voted the incumbent PNM party out of office and elected the People's Partnership coalition, which secured 29 of the 41 parliamentary seats. The PNM won 12 seats. Parties in power could use resources of the state to fund campaign activities, which may confer an unfair advantage to the incumbent.

The Tobago House of Assembly elections in January 2013 were widely regarded as free and fair.

Participation by Women and Minorities: In May 2010 Kamla Persad-Bissessar, a woman, began serving as prime minister. Voters elected 12 women to the House of Representatives, and there were five women in the appointed 31-member Senate. There were seven women in the 39-member cabinet, including the prime minister, and 17 female judges among the 41 judges on the High Court and the Court of Appeals.

All major political parties reached out to voters from ethnic minorities, such as the Chinese, Syrian, Lebanese, and European-origin communities, and members of these groups held important positions in government, including in the legislature.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's worldwide governance indicators reflected that government corruption was a problem, and the

Global Competitiveness Index listed government corruption as a hindrance to doing business.

Corruption: Corruption in the police and immigration services continued to be a problem, with senior officials acknowledging that officers participated in corrupt and illegal activities. There were allegations that some police officers had close relationships with gang leaders and that immigration officers often accepted bribes to facilitate drug and weapons trafficking. Prison guards were required to pass through screening devices to prevent the smuggling of contraband. There is no internal affairs unit responsible for investigating incidents of professional misconduct attributed to law enforcement officials.

In September, following investigations by detectives from the Professional Standards Bureau, authorities arrested four police officers on charges of stealing more than \$500,000 TTD (\$79,400) from a Chinese couple during an unlawful raid on their apartment. All four police officers were suspended with pay, and as of December their cases were pending before the court.

There were continued allegations that some ministers used their positions for personal gain.

Financial Disclosure: The law mandates that public officials disclose their assets, income, and liabilities to an Integrity Commission, which monitors, verifies, and publishes disclosures. Officials and candidates for public office were reluctant to comply with asset disclosure rules, primarily because of the perceived invasiveness of the process. The act stipulates a process when public officials fail to disclose assets and provides criminal penalties for failure to comply. The law clearly states which assets, liabilities, and interests public officials must declare. It also requires the declaration of assets and income of spouses and dependent children. In 2013 officials in public office submitted 1,187 declarations to the commission, compared with 1,764 in 2012. The commission publicly listed the officials who failed to provide necessary supporting information related to 131 declarations and sought appropriate redress in the High Court.

In addition to the Integrity Commission, the Anti-Corruption Investigations Bureau (ACIB), which falls under the attorney general, also works to combat corruption. The unit is charged with investigation of alleged corruption cases. The DPP is responsible for instituting and undertaking criminal prosecutions. Both the DPP and the ACIB had sufficient resources and operated effectively and independently.

Public Access to Information: The law provides for public access to government documents. It includes a sufficiently narrow list of exceptions outlining the grounds for nondisclosure, although some critics charged that authorities exempted a growing number of public bodies from the law's coverage. The law has an appeal mechanism for review of disclosure denials. Critics also noted the law does not have an enforcement mechanism if the government does not respond within the prescribed 30-day period. There is no fee for requesting information, but requestors are required to pay the cost of copying documents. Criminal penalties, including imprisonment, exist for those who destroy documents of record, but there are no sanctions or other penalties for officials who do not comply with the procedural requirements of the law. The government maintained an easily navigable website on how to use the law effectively.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights cases and publishing their findings. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman investigates citizens' complaints concerning the administrative decisions of government agencies. Where there is evidence of a breach of duty, misconduct, or criminal offense, the ombudsman may refer the matter to the appropriate authority. The ombudsman has a quasi-autonomous status within the government and publishes a comprehensive annual report. Both the public and the government had confidence in the integrity and reliability of the Office of the Ombudsman and the ombudsman's annual report.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The government generally respected the constitutional provisions for fundamental human rights and freedoms for all without discrimination based on race, gender, social status, or disability. Laws do not prohibit discrimination based on sexual orientation.

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal and punishable by up to life imprisonment; however, the courts often imposed considerably shorter sentences. The government and NGOs reported many incidents of rape and other sexual crimes were unreported, partly due to perceived insensitivity of police, exacerbated by a wide cultural acceptance of gender-based violence. The Crime and Problem Analysis Branch of the police service reported 639 cases of rape, incest, and other sexual offenses through October 31, with 360 of those solved. One of those cases involved Police Constable Melvin George, who on July 6 was charged with nine counts of sexual assault while off duty, including sex with a female under age 14 without her consent. Although proper procedures were in place, there was little or no monitoring of rape and sexual assault cases. Police channeled further resources to its Victim and Witness Support Unit in an effort to overcome the public perception of insensitivity. The unit continued outreach activities to support survivors of domestic violence.

Many community leaders asserted that violence against women, particularly in the form of domestic violence, continued to be a significant problem. The law provides for protection orders separating perpetrators of domestic violence, including abusive spouses and common-law partners, from their victims. Courts may also fine or imprison abusive spouses. While reliable national statistics were not available, women's groups estimated that as many as 50 percent of all women suffered abuse.

The NGO Coalition against Domestic Violence charged that police often hesitated to enforce domestic violence laws and asserted that rape and sexual abuse against women and children remained a serious and pervasive problem.

The Division of Gender Affairs in the Ministry of Gender, Youth, and Child Development operated a 24-hour hotline for victims of rape, spousal abuse, and other violence against women. Hotline operators referred callers to shelters for female survivors, a rape crisis center, counseling services, support groups, and other assistance providers.

Female Genital Mutilation/Cutting (FGM/C): No law specifically prohibits FGM/C of adult women, although such an act may constitute another offense such as grievous sexual assault or an act causing grievous bodily harm and may be prosecuted on the nature of the act itself. The practice was virtually nonexistent in the country.

Sexual Harassment: No laws specifically prohibit sexual harassment. Although related statutes could be used to prosecute perpetrators of sexual harassment, and some trade unions incorporated antiharassment provisions in their contracts, both the government and NGOs continued to suspect that many incidents of sexual harassment went unreported.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children and generally had the means to do so free from discrimination, coercion, and violence. Women had access to emergency health care, including services for the management of complications arising from abortion, although abortion remained illegal. Access to information on modern contraception and maternal health was widely available from health-care providers and online sources. Women had access to skilled health attendance during pregnancy, and the UN Population Fund reported that skilled health personnel attended 98 percent of births and that 38 percent of women ages 15-49 used a modern method of contraception.

Discrimination: Women generally enjoyed the same legal rights as men, including employment, education, and inheritance rights. No laws or regulations require equal pay for equal work. While equal pay for men and women in public service was the rule rather than the exception, both the government and NGOs noted considerable disparities in pay between men and women in the private and informal sectors, particularly in agriculture (see section 7.d.).

The Ministry of Gender, Youth, and Child Development has primary responsibility for protecting women's rights and advancement, and it sponsored income generation workshops for unemployed single mothers and nontraditional skills training for women.

Children

Birth Registration: Every person born in the country is a citizen at birth, unless the parents are foreign envoys accredited to the country. Children born outside the country can become citizens at birth if on that date one or both of the parents is, or was, a citizen. The law requires registration of every child born alive within 42 days of birth. Any person who registers or causes to be registered the birth of any child in contravention to the Births and Deaths Registration Act is liable to a fine of \$1,000 TTD (\$158).

Child Abuse: The law provides protection for children abused at home. The Ministry of Gender, Youth, and Child Development reported that young schoolchildren were vulnerable to rape, physical abuse, and drug use and that some had access to weapons or lived with drug-addicted parents. Authorities first assessed abused children removed from the home at a reception center for vulnerable children and then placed them with relatives, government institutions, or NGOs.

The law defines a child as less than 18 years of age. Sexual intercourse with a girl under 14 is punishable by a maximum of life in prison. If the girl is over 14 but under 16, the maximum punishment is 12 years for a first-time offender and 15 years for a repeat offender. Sexual intercourse with a boy under 16 is punishable by a maximum of five years in prison. Through September 30, police received 179 reports of sexual intercourse with girls between 14 and 16, with 111 solved, and 110 reports of sexual intercourse with girls under 14, with 74 solved.

The Coalition against Domestic Violence, in partnership with the Ministry of Education and the Ministry of the People and Social Development, operated the National Child Hotline, a free and confidential round-the-clock telephone hotline for at-risk or distressed children and young persons up to age 25. Through September the National Child Hotline received 7,935 calls, with callers 16 years of age and above accounting for only 15 percent of total calls received. Women and girls made 62 percent of the calls. The National Child Hotline referred all calls relating to physical or sexual abuse to police or to social service agencies.

The law prohibits corporal punishment of children, as well as sentencing a child to prison. According to NGOs, however, abuse of children in their own homes or in institutional settings remained a serious problem, but there were no reliable statistics on prevalence.

Early and Forced Marriage: Although the legal age for civil and Christian marriage is 18 for both men and women, the distinct laws and attitudes of the various religious denominations determine the minimum legal age for marriage. Under the Muslim Marriage and Divorce Act, the minimum legal age for marriage is 16 for men and 12 for women; under the Hindu Marriage Act, the minimum legal age for marriage is 18 for men and 14 for women; and the Orisa Marriage Act sets the minimum legal age for marriage at 18 for men and 16 for women. According to the UN Children's Fund, 8 percent of women under the age of 18 and 2 percent under the age of 15 entered into marriage.

Female Genital Mutilation/Cutting (FGM/C): The 2012 Children Act penalizes any person convicted of FGM/C with a fine of up to nearly \$50,000 TTD (\$7,940) or imprisonment for 20 years. The practice, however, was virtually nonexistent in the country.

Sexual Exploitation of Children: Statutory rape is illegal. The age of sexual consent is 16 years for men and women; however, this does not apply if the parties are married. Courts can sentence persons found guilty of statutory rape to 12 years to life in jail. The law provides a penalty of up to 15 years' imprisonment for anyone who procures a child under 16 for prostitution. The law requires parents and guardians to report to police when they have reasonable grounds to suspect a sexual offense was being committed. Child pornography is illegal, and penalties for pornographers include a fine of \$2,000 TTD (\$320) and four months' imprisonment.

International Child Abductions: The government is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html and country-specific information at <http://travel.state.gov/content/childabduction/english/country/trinidad-tobago.html>.

Anti-Semitism

Fewer than 100 Jews live in the country. There were no reports of any anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination on the basis of disability but does not mandate equal access for persons with disabilities to the political process, employment, education, transportation, housing, health care, or other citizen services.

Persons with disabilities (an estimated 16 percent of the population) faced discrimination and denial of opportunities. Such discrimination could be traced to architectural barriers, employers' reluctance to make necessary accommodations that would enable otherwise qualified job candidates to work, an absence of support services to assist students with disabilities to study, lowered expectations of the abilities of persons with disabilities, condescending attitudes, and disrespect.

The Public Transportation Services Corporation purchased three new buses, which offered some access for persons with disabilities, and the Ministry of Transport formed a committee to provide feedback on a state-owned bus-provider vehicle overhaul, drawing on input from a large disabilities NGO umbrella group. The government improved access to transportation by continuing to implement its free, door-to-door on-call transportation service, supported by 24 buses equipped to transport persons with disabilities. A majority of the traditional bus stops were located on high sidewalks without ramps. Most government buildings and public places were not accessible. There are no legal restrictions on access to information, communications, voting, or participation in civic affairs, although lack of accessibility posed a barrier to the practice of these activities.

Indigenous People

The census did not record indigenous people as a distinct group, although a very small group of persons identified themselves as descendants of the country's original Amerindian population. The government effectively protected their civil and political rights, and they were not subject to discrimination.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Although the law criminalizes consensual same-sex sexual activity, providing penalties of up to 25 years' imprisonment, the government generally did not enforce such legislation, except in conjunction with more serious offenses such as rape. Immigration laws also bar the entry of "homosexuals" into the country, but the legislation was not enforced during the year.

The Equal Opportunity Act identifies classes of persons protected from discrimination but does not prohibit discrimination based on sexual orientation. The 2012 Children Act decriminalizes sexual exploration between minors close in age but specifically retains language criminalizing the same activity among same-sex minors. Other laws exclude same-sex partners from their protections. LGBT

rights groups reported that a stigma related to sexual orientation or gender identity in the country remained and likely inhibited reporting incidents. LGBT rights groups also reported individual cases of violence against LGBT persons, as well as a reluctance to report crimes to police due to fear of harassment by police and court officials.

In general victims of gay-related hate crimes avoided media attention. In one notable exception, a 26-year-old gay man who was attacked by a small group of men after being set up and lured to an isolated area by imposters on social media, permitted the press to publish his name and photograph. Media coverage identified the attack as a hate crime. Supporters of the victim also praised the police for their professionalism in handling the investigation.

In September PM Persad-Bissessar stated the country was not ready to tackle the social issue of decriminalizing homosexuality, saying, “[decriminalization] is a very touchy, a very sensitive issue... there’s no consensus.”

HIV and AIDS Social Stigma

UNAIDS estimated there were 14,000 persons with HIV in 2013. HIV/AIDS remained a medical and public health concern for the government and society, and stigmatization of those with HIV persisted. Incidents of violence against this group were isolated events. In January 2013 the government launched the HIV and AIDS Agency and Secretariat, which coordinates the national response to HIV/AIDS. The government also employed HIV/AIDS coordinators in all ministries.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related statutes and regulations, provides for the right of most workers, including those in state-owned enterprises, to form and join independent unions, bargain collectively, and conduct legal strikes, but with some limitations. Neither employers nor employees listed in essential services, such as hospital, fire, and external communications (telephone, telegraph, wireless) have the right to strike, and walkouts can bring punishment of up to 36 months in prison and a fine of \$40,000 TTD (\$6,350). These employees negotiate with the government’s chief personnel officer to resolve labor disputes. The law stipulates that only strikes

over unresolved interest disputes may take place and that authorities may prohibit strikes at the request of one party if not called by a majority union.

The law also provides for mandatory recognition of a trade union when it represents 51 percent or more of the workers in a specified bargaining unit. The law allows unions to participate in collective bargaining, prohibits employers from dismissing or otherwise prejudicing workers due to their union membership, and mandates reinstatement of workers illegally dismissed for union activities.

The government's Registration, Recognition, and Certification Board determines whether a given workers' organization meets the definition of a bargaining unit and can limit union recognition by this means. The Industrial Relations Act's definition of worker excludes domestic workers (maids, chauffeurs, and gardeners), but domestic workers have an established trade union that advocates for their rights. Separate legislation governs the employment relationship between the government and its employees, including civil servants, teachers, and members of the protective services (fire, police, and prison services). The Industrial Relations Act prohibits these employees from taking industrial action. During the year the Industrial Relations Advisory Committee was established to advise the Minister of Labor and Small and Micro Enterprise Development on industrial relations matters.

A union must have the support of an absolute majority of workers to obtain bargaining rights. This limited the right of collective bargaining. Furthermore, collective agreements must be for a minimum of three years, making it almost impossible for such agreements to cover workers on short-term contracts.

According to the National Trade Union Center, the requirement that all negotiations go through the Public Sector Negotiation Committee rather than through the individual government agency or government-owned industry, provided an additional onerous restriction that added significant delays. Some unions claimed the government undermined the collective bargaining process by pressuring the committee to offer raises of no more than 5 percent over three years.

The government enforced labor laws effectively, including with effective remedies and penalties. Resources, inspections, and remediation were adequate, although some observers called for an increased number of unannounced inspections and additional industrial court judges. A union may request that the Industrial Court enforce the laws, and the court may order employers found guilty of antiunion activities or otherwise in violation of the Industrial Relations Act to reinstate

workers and pay compensation or may impose other penalties, including imprisonment. There was no information on specific penalties or whether they were sufficient to deter violations.

Freedom of association and the right to collective bargaining were respected. Several public sector unions successfully negotiated with the government. There were no significant restrictions on strikes. Workers in nonessential services, such as the oil and the port employees, participated in strikes and court action during the year.

b. Prohibition of Forced or Compulsory Labor

In January 2013 the government implemented a law prohibiting forced and compulsory labor. At the same time, the government established the Counter-Trafficking Unit, charged with investigating potential forced labor cases and with referring cases for prosecution. As of December the unit lacked permanent leadership and appropriate office space and supplies, but it was able to investigate cases competently. Upon conviction, perpetrators of forced labor are subject to a fine of at least \$500,000 TTD (\$79,400) and imprisonment for at least 15 years. Penalties are sufficient to deter violations.

Through November there were no confirmed cases of forced labor, compared with three in 2013, including two cases of forced domestic service. In all three cases, the government charged alleged perpetrators under the Trafficking in Persons Act. The cases continued at year's end. Migrant workers were particularly susceptible to forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment in public and private industries at 16. Children ages 14 to 16 may work in activities in which only family members are employed or that the minister of education has approved as vocational or technical training. The law prohibits children under age 18 from working between the hours of 10 p.m. and 5 a.m., except in a family enterprise or within other limited exceptions. Violation of these regulations is punishable by six months' imprisonment or a fine of \$2,500 TTD (\$397). In cases of child trafficking, including forced or exploitive child labor, perpetrators are subject to fines of one

million TTD (\$159,000) and 20 years' imprisonment. These penalties were sufficient to deter violations. There is no clear minimum age for hazardous employment.

The Ministry of Labor and Small and Micro Enterprise Development and the Ministry of the People and Social Development are responsible for enforcing child labor laws. There were 11 inspectors, compared with 19 in 2013, trained to identify cases of child labor, and identify and report on indicators relating to possible cases of human trafficking involving children. The minister of labor may designate an inspector to gather information from parents and employers regarding the employment of a person under 18. The Industrial Court may issue a finding of contempt against anyone obstructing the inspectors' investigation. The government was generally effective in enforcing child labor laws, and the penalties were sufficient to deter violations, but there were anecdotal reports of children working in agriculture or as domestic workers.

The Ministry of Gender, Youth, and Child Development took over responsibility for the Revised National Plan of Action for Children and continued its implementation. The government did not have comprehensive mechanisms for receiving, investigating, and resolving child labor complaints. The Ministry of Labor and Small and Micro Enterprise Development reported it did not receive any child labor complaints. There were anecdotal reports of children engaged in the worst forms of child labor in the small-scale agricultural sector and domestic service.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law and regulations prohibit discrimination regarding sex, race, ethnicity, origin, religion, marital status, and disability. The government effectively enforced those laws and regulations. The law does not prohibit discrimination on the basis of sexual orientation, age, or HIV status.

Discrimination in employment occurred with respect to disability (see section 6).

e. Acceptable Conditions of Work

The national minimum wage was \$12.50 TTD (\$1.98) per hour, although actual wages varied considerably among industries.

The law establishes a 40-hour workweek, a daily period for lunch or rest, and premium pay for overtime. The law does not prohibit excessive or compulsory overtime. The law provides for paid leave, with the amount of leave varying according to length of service.

The Ministry of Labor and Small and Micro Enterprise Development was responsible for enforcing laws related to acceptable conditions of work. The law sets occupational health and safety standards, which were current and appropriate for the main industries in the country. The Occupational Safety and Health Agency (OSHA) enforced occupational health and safety regulations, which apply to all workers, regardless of citizenship. Local labor laws generally protected foreign laborers brought into the country, a stipulation usually contained in their labor contract. Resources, inspections, and penalties appeared adequate. The Occupational Safety and Health Act provides a range of fines and terms of imprisonment for violations of the law, and these penalties were sufficient to deter violations.

Safety standards were not always observed. Through October, OSHA reported 13 on-the-job fatalities, seven critical but nonfatal accidents, and 398 noncritical accidents.

Workers could generally remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities effectively protected them in this situation.